

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE


JERRY BRENDEN,	)	
	)	Case No. C05-1681L
Plaintiff,	)	
v.	)	
SELLEN CONSTRUCTION COMPANY,	)	ORDER DENYING SECOND
	)	MOTION FOR TRIAL
Defendant.	)	

This matter comes before the Court on plaintiff’s “Second Time: Motion: For Trial, Rule 50, FRAP & Stay of Mandate Rule 45, FRAP.” Dkt. # 21. Although plaintiff has added a request for a “stay of mandate,” this motion essentially duplicates Dkt. # 11, which was denied by the Court as premature and without merit. See Dkt. # 17. Plaintiff’s second motion contains additional strings of words, dates, and numbers that convey no material information to the Court and do not justify either a “new trial” or a “stay of mandate.” See, e.g., bottom margin reference to “(U.S. NINTH CIRCUIT OF APPEALS, Sent: 3 Lbs. 14.20 oz. for “4” JUDGES) 11/30/05, EQ 285228216 US; Dec. 24, 2005, 70051820000812419 PAGE 3 OF 15; JANUARY 01-01-2006. Motions, pages 1,2&3; Cert. Mail #4.” Plaintiff has also attached a United States Postal Service tracking sheet and a three-page document variously titled “Motion to Recall Mandate,” “Cross-Appeal,” and “Request for Admission.” Dkt. # 21 at 3, 9-11. Neither of these documents supports plaintiff’s demand for an immediate trial or explains why plaintiff is

1 seeking relief under the Federal Rules of Appellate Procedure when no appeal has been filed in  
2 this matter.

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4 Plaintiff's second motion for a trial and/or stay of mandate is DENIED.

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7 DATED this 6th day of January, 2006.

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9 Robert S. Lasnik  
10 United States District Judge  
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